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THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE and COMMITTEE *for* EMPLOYMENT & SOCIAL SECURITY

COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP: SUPPLEMENTARY IMPLEMENTATION OF OBLIGATORY LABOUR LEGISLATION

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Comprehensive and Progressive Agreement for Trans-Pacific Partnership: Supplementary Implementation of Obligatory Labour Legislation' dated 9 November 2026, they are of the opinion:

1. To approve the proposals set out in sections 4 and 5 of that Policy Letter.

2. To approve the draft Ordinance entitled "The Employment of Children (Guernsey) Ordinance, 2026" at Appendix A, and to direct that the same shall have effect as an Ordinance of the States.

3. To approve the draft Ordinance entitled "The Industrial Disputes and Conditions of Employment (Guernsey) (Amendment) Ordinance, 2026" at Appendix B, and to direct that the same shall have effect as an Ordinance of the States.

4. To approve the draft Ordinance entitled "The Prevention of Discrimination (Guernsey) (Amendment) Ordinance, 2026" at Appendix C, and to direct that the same shall have effect as an Ordinance of the States.

The above Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1)(c) of the Rules of Procedure of the States of Deliberation and their Committees.

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COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP: SUPPLEMENTARY IMPLEMENTATION OF OBLIGATORY LABOUR LEGISLATION

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

9 November 2026

Dear Madam

1 Executive Summary

1.1 Over successive political terms, the States Assembly has emphasised its support for Guernsey's participation in post-Brexit Free Trade Agreements ("FTAs") to enhance the Island's international standing and boost economic and investment opportunities for local businesses and islanders.

1.2 On 28th September 2022, the States Assembly agreed that Guernsey would seek participation in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership ("CPTPP").[1]

1.3 CPTPP is a major, Pacific Rim FTA whose members, including Australia, New Zealand, Japan and Canada, represent a dynamic, growing trade region expected to become increasingly significant for the British Isles in particular. It is an exceptionally valuable free trade area, estimated at £9 trillion Gross Domestic Product in 2019.

1.4 While Guernsey is a small jurisdiction, our constitutional relationship with the UK allows us to join major FTAs such as CPTPP under its auspices. However, that access is dependent on our upgrading local legislation to meet accepted, modern global standards. Demonstrating compliance with States-agreed international obligations is critical in terms of ensuring Guernsey's credibility as a globally relevant jurisdiction, enabling the Island to access opportunities that enhance

[1] The Bailiwick's Further Participation in UK Free Trade Agreements, 19th August 2022

Guernsey's economic competitiveness. The UK's Accession Protocol to the CPTPP, including provisions for Guernsey, came into force in December 2024.

1.5 The benefits afforded by CPTPP unfold in stages. Guernsey already enjoys preferential tariffs on goods traded with its member countries, which is advantageous to the Island's manufacturing sector.

1.6 Part of the next stage, which must be completed this year, requires that legislation meeting the minimum standards of CPTPP's 'Labour Chapter' be on the statute books.

1.7 Modernising our legislation to meet these internationally recognised employment standards will provide better protections for working islanders, in particular young workers and those whose sectors have trade unions.

1.8 These legislative developments are a prerequisite to Guernsey's access to additional CPTPP chapters including 'trade in services', 'financial services', and 'investment'. Access to these chapters is especially beneficial to the finance sector. This access will enhance cross-border collaboration and protect the investments of on-island entities and individuals. Hence, Guernsey's unhindered participation in the CPTPP post-December 2026 is a priority in the Committee *for* Economic Development's Work Plan.

1.9 While Guernsey's alignment with CPTPP's international legislative benchmarks will provide modern protections to working islanders, it is also important that our legislation reflects Guernsey's unique island culture. While the legislative developments outlined below are required to enable the unhindered participation of Guernsey in the CPTPP as envisioned under the UK's accession protocol, there is scope for consultation with the business community, trade unions and islanders next year to inform secondary legislation that is proportionate and appropriate for Guernsey's own employment context, and importantly, before commencement.

1.10 As a Crown Dependency to which the CPTPP has been extended, Guernsey is obligated to enact legislation that:

- safeguards young workers by setting out minimum working ages for teenagers employed in full-time work, part-time work, and work that presents particular risks. This also supports Guernsey's adherence to the UN Convention on the Rights of the Child and International Labour Organisation (ILO) Conventions.

- introduces a protected right to strike for workers engaged in providing non-essential Island services.

- strengthens legal protections against discrimination on the grounds of trade union membership or activities.

1.11 This can be accomplished under the provisions of the International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018[2] ("the 2018 Law"), which was enacted expressly to expedite legislative changes required to meet compliance obligations under post-Brexit FTAs.

1.12 While the Policy & Resources Committee is responsible for international affairs and constitutional relations, the Committee *for* Employment & Social Security has mandated responsibility for labour market legislation and practices, and industrial relations.

1.13 Due to the time constraints involved in resourcing, negotiating and meeting CPTPP's obligatory legislative requirements this year and the importance of doing so, the Presiding Officer has granted these Committees permission to submit this joint, supplementary Policy Letter together with the draft Ordinances. This Policy Letter seeks approval of the three draft Ordinances setting a minimum working age, introducing a protected right to strike and prohibiting discrimination on the grounds of trade union membership or activity to meet the requirements of the CPTPP.

2 Strategic Context

2.1 Measures to boost Guernsey's global reputation and correspondingly, its economy, have featured in successive States' strategic plans. The 'Island Resilience' Area of Focus in this term's Government Work Plan 2026-2029 again prioritises maintaining Guernsey's international standing while its 'Foundations for our Future' Area of Focus seeks, among other things, to empower the economy. Guernsey's participation in CPTPP strongly supports these key government objectives.

2.2 The Committee *for* Economic Development's Work Plan specifically lists participation in CPTPP as a priority, given the opportunities it already provides to the manufacturing sector alongside its forthcoming benefits to the finance sector and investors.

2.3 Enacting the necessary legislation to set minimum ages for employment and ensuring that work does not interfere with children's education, health, safety, or development will also support Guernsey's adherence to the United Nations Convention on the Rights of the Child, to which it is a party.

[2] The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018

3 Background

3.1 Brexit has enabled the UK, and by extension the Crown Dependencies, to enter into trade deals separately to the European Union ("EU"). Prior to Brexit, Guernsey's relationship with the EU restricted the Island's participation in FTAs to 'trade in goods' purposes. Given Guernsey's prominent financial services industry, participation in FTAs that not only relate to 'trade in goods', but also apply to 'trade in services,' 'financial services' and 'investments' can provide powerful opportunities for economic growth by securing key markets and reducing regulatory uncertainty. Such participation also allows for the retention of rights to enforce domestic regulations, important for financial stability and integrity. At its meeting of 10th September 2021, the States Assembly established the Island's approach to participating in FTAs post-Brexit.[3] It was agreed that Guernsey's participation should fulfil two conditions, namely: meet Guernsey's needs while respecting the constitutional relationship with the UK, and; be relevant and proportionate considering Guernsey's unique context as a small island jurisdiction.

3.2 Following these Resolutions,[4] the States Assembly agreed on 28th September 2022 that Guernsey would seek participation in the CPTPP, a Pacific Rim trade bloc whose membership includes Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. In regard to FTAs in general, the Policy Letter stated: "It is critical to ensure that the Bailiwick can participate in relevant and appropriate trade arrangements for trade security, as well as market opportunity. This will provide stability and predictability in existing markets and give options for Bailiwick based businesses to expand into future markets and, in the process, allow the Island's business community to diversify."[5]

3.3 Guernsey's accession to CPTPP progresses in stages and is negotiated under the auspices of the UK's Department for Business, Innovation, Science and Trade ("BIST"). The UK takes its international obligations seriously and sets a high bar in terms of meeting them, which Guernsey is expected to seek to follow.

3.4 Having secured accession for 'trade in goods' on 15th December 2024, the Island must this year fulfil the CPTPP's Labour Chapter requirements based on the ILO Declaration on Fundamental Principles and Rights at Work 1998[6] in order to progress to the chapters in 'trade in services', 'financial services' and 'investment' as well as 'temporary entry and movement of business persons'.

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[3] The Bailiwick's Participation in UK Free Trade Agreements, 25th June 2021

[4] Resolutions, Billet d'État XVII | Guernsey Parliament

[5] The Bailiwick's Further Participation in UK Free Trade Agreements, 19th August 2022

[6] ILO Declaration on Fundamental Principles and Rights at Work 1998

3.5 The minimum compliance benchmarks are cited in CPTPP Article 19.3: Labour Rights[7], which states that:

"Each Party shall adopt and maintain in its statutes and regulations, and practices thereunder, the following rights as stated in the ILO Declaration [on Fundamental Principles and Rights at Work 1998]:

a) freedom of association and the effective recognition of the right to collective bargaining

b) the elimination of all forms of forced or compulsory labour;

c) the effective abolition of child labour and, for the purposes of this Agreement, a prohibition on the worst forms of child labour;

d) and the elimination of discrimination in respect of employment and occupation."[8]

3.6 The BIST, through its external counsel, has highlighted that Guernsey's legislation requires modernisation in areas (a) and (c). To resolve area (c), it recommends Guernsey aligns with ILO Convention No. 138 - Minimum Age Convention, 1973[9] ("Minimum Age Convention"), which sets out internationally acceptable minimum working ages.

4 Legislative approach: Ordinances followed by consultation, subordinate legislation and commencement

4.1 The aforementioned 2018 Law was enacted expressly to manage the often fast-paced and tight deadlines required to meet post-Brexit FTAs. It permits the States to legislate for matters by Ordinance that would otherwise require a Projet. It followed a 2017 policy letter titled "Protecting the Interests of The Bailiwick of Guernsey as the UK Leaves the EU".[10] The policy letter recognised that "to demonstrate compliance the insular authorities may in many cases need to show that they have the necessary implementing legislation on the statute book: they must be in a position to enact it quickly if that is not the case."

4.2 Thus, the 2018 Law allows for expedited Ordinances to meet the minimum legislative requirements that the Labour Chapter requires. Due to the time constraints involved in resourcing, negotiating and meeting the CPTPP requirements this year and the importance of doing so, the Presiding Officer has granted permission to submit this supplementary Policy Letter together with the three draft Ordinances. In combination, these Ordinances meet the non-

[7] CPTPP Chapter 19: Labour
[8] CPTPP Chapter 19: Labour
[9] C138 - Minimum Age Convention, 1973
[10] Protecting the Interests of the Bailiwick of Guernsey as the UK leaves the EU, 26th September 2017

negotiable CPTPP compliance provisions in relation to minimum working age, right to strike and anti-union discrimination. They are:

- The Employment of Children (Guernsey) Ordinance, 2026
- The Industrial Disputes and Conditions of Employment (Guernsey) (Amendment) Ordinance, 2026
- The Prevention of Discrimination (Guernsey) (Amendment) Ordinance, 2026

4.3 While the Policy & Resources Committee is responsible for international affairs and constitutional relations, the Committee *for* Employment & Social Security has mandated responsibility for labour market legislation and industrial relations.

4.4 All three Ordinances provide scope to assess the local employment and labour context to inform the development of subordinate legislation and guidance that reflects Guernsey's unique island context appropriately and proportionately.

4.5 All three Ordinances will commence once the secondary legislation is ready to enter into force.

5 Ordinances to meet CPTPP compliance

Setting a 'minimum working age'

5.1 At present, Guernsey has no legal minimum working age. The most comprehensive piece of legislation on the employment of young persons is the the "Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants, 1926"[11], which focuses on industrial activities such as quarrying and does not reflect the range of modern working practice.

5.2 As part of compliance with the Labour Chapter, and the principles of the ILO Declaration, the BIST requires that Guernsey legislates for suitable minimum working ages. It has been the BIST's position, following external legal advice, that this involves aligning Guernsey's legislation with the requirements of the ILO's Minimum Age Convention. While this convention has never formally been extended to Guernsey, it broadly reflects the modern Western consensus on child labour protection, both in terms of an absolute minimum working age and the types of work that are suitable for children above the minimum age.

5.3 Instituting legal, age-appropriate minimum working ages for different types, levels and conditions of work also protects children in line with Guernsey's

[11] Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants, 1926.

obligations as a party to the UN Convention on the Rights of the Child, including Article 36, which is designed to protect children from exploitation.

5.4 The draft Ordinance titled "The Employment of Children (Guernsey) Ordinance, 2026" at Appendix A sets a minimum working age of 13 for the category of 'light work', meaning employment that is not likely to be harmful to the child's health or development, and does not prejudice the child's schooling or participation in vocational orientation or training programmes, or the child's capacity to benefit from the instruction received. This age category for light work extends to the upper limit of the compulsory school age (which is generally 16, depending on the child's birth date).

5.5 The age of 13 is the lowest working age permitted by the Minimum Age Convention. Some jurisdictions, including the UK, set it at 14. No European country has set a minimum working age of less than 13. While it may have been the case historically that children under the age of 13 have been employed to work in Guernsey, it is not known whether, or to what extent, this occurs in the Island today. In any case, such work below the age of 13 would not comply with the Minimum Working Age Convention.

5.6 The Minimum Working Age Convention defines "light work" as work that:

a) is not likely to be harmful to a child's health or development; and

b) does not prejudice the child's attendance at school, the child's participation in vocational orientation or training programmes approved by the competent authority or the child's capacity to benefit from instruction received.

5.7 The draft Ordinance follows the ILO definition in defining the concept of "light work". It provides scope for further guidance as to what constitutes light work, as appropriate to a Guernsey employment context, to be issued as subordinate legislation.

5.8 Guernsey's relatively tight labour market has traditionally enabled many young people to gain early exposure to the world of work and develop valuable skills, experience and confidence through age-appropriate employment opportunities. The Committee *for* Employment & Social Security recognises the benefits that such opportunities can provide for young people, employers and the wider community. The proposal to establish a minimum working age of 13 is not intended to reduce those opportunities. Rather, it is intended to ensure that any employment undertaken by children is safe, appropriate to their age and stage of development, compliant with our international obligations and supported by a clear legal framework that provides certainty for young people, their parents or guardians, and employers.

5.9 For admission to general work (meaning all work that is not light work), the Minimum Age Convention requirement is set at the upper limit of the compulsory school age and the draft Ordinance mirrors this.

5.10 The Minimum Age Convention also requires that a minimum working age of 18 is established for work which is likely to "jeopardise the health, safety or morals of young persons." This wording is a direct quote from the convention and dates back to 1973. The inherent ambiguity of the wording is recognised. The draft Ordinance enables the Committee *for* Employment & Social Security to create more certainty through the designation of certain specific types of work as either restricted work or prohibited work by regulations. It also allows for exceptions to be made for those 16 or older to work in these situations, in cases where employers have made efforts to fully train, instruct and safeguard young people, which can include apprenticeships and trainee schemes. Again, it will be possible to consult with islanders as to what types of work might be deemed to jeopardise the health, safety or morals of young people and what safeguarding or working conditions would be appropriate to ensure their wellbeing, for inclusion in secondary legislation developed through a local lens. The draft Ordinance authorises regulations to categorise certain work as either "prohibited work" that may not be performed by children at all or "restricted work" that may be performed with conditions.

5.11 It is important to note that neither the ILO requirements nor Guernsey's legislation is intended to regulate work or chores that children do around the home, or occasional tasks that a young person undertakes on their own behalf (even for recompense), for example washing a neighbour's car. This aligns with the approach of other jurisdictions, including the UK.

5.12 The draft Ordinance also enables regulations to be made that set maximum working hours for children or restrict work during certain times of the day, e.g., overnight shifts. Several other jurisdictions, including the two other Crown Dependencies, have regulated work hours for children. The appropriate approach for Guernsey will be evaluated in the next stage.

5.13 The draft Ordinance repeals the "Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants, (1926)", and Part VI of the "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes, 1917), as the scope of those provisions will now be dealt with through the new Ordinance and regulations.

Introducing a protected right to strike

5.14 The Industrial Disputes and Conditions of Employment Law, 1993[12] ("the 1993 Law") governs industrial relations in Guernsey. It does not, however, provide a protected right to engage in industrial action (known as the 'right to strike').

[12] The Industrial Disputes and Conditions of Employment Law, 1993.

(Current protection is limited to the provisions of the Employment Protection (Guernsey) Law, 1998[13], which provides that the dismissal of an employee is unfair if the reason or the principal reason for the dismissal is the employee's taking part in trade union activities.) Such action may constitute a breach of the worker's contract of employment and may expose a relevant trade union to a damages claim. The CPTPP's Labour Chapter requires members to provide a legal right to strike with protection from dismissal. Having the right to strike supports collective bargaining as it gives employees and unions leverage when in negotiation with their employer. Without the right to participate in industrial action, employers may have little incentive to compromise during bargaining.

5.15 To meet this requirement, the draft Ordinance entitled "The Industrial Disputes and Conditions of Employment (Guernsey) (Amendment) Ordinance, 2026" at Appendix B amends the 1993 Law by introducing a provision that affords immunity from damages and from liability in tort to employees and trade unions recognised by the Committee *for* Employment & Social Security who go on strike or encourage industrial action in contemplation or furtherance of an employment dispute. This protection does not extend to trade unions which have not complied with requirements relating to the holding of ballots set out in codes of practice made by order of the Committee *for* Employment & Social Security. The draft Ordinance also limits (with minor specified exceptions) the amount which may be awarded against a trade union by way of damages in proceedings in tort to £40,000 (consistent with the equivalent provision in England and Wales).

5.16 A May 2026 advisory opinion by the International Court of Justice confirmed its view that the ILO Convention No. 87, 'Freedom of Association and Protection of the Right to Organise, 1948' protects the right to strike, underscoring the importance of this legislative standard.

5.17 While the right to strike must be protected under the requirements of the Labour Chapter, there is scope for member jurisdictions to adapt finer points in relation to labour disputes to fit their national context.

5.18 The draft Ordinance enables the Committee *for* Employment & Social Security to restrict the right to strike for essential services, for which strikes could have a detrimental effect on public health or safety, and to define what constitutes an essential service for that purpose. However, the draft Ordinance includes a mandatory consultation requirement before such rules are implemented via secondary legislation which will be laid before the States.

5.19 The draft Ordinance also provides for secondary legislation to make provision in respect of matters such as necessary procedural requirements for a lawful strike (i.e. balloting and notice periods) and the process for recognition of trade unions.

[13] The Employment Protection (Guernsey) Law, 1998.

It also makes necessary minor amendments to the 1993 Law to ensure that the functions of the Industrial Disputes Officer (more specifically the duty to refer industrial disputes to the Industrial Disputes Tribunal) and the procedure of the Tribunal are not inconsistent with the inserted provisions. Finally, the amendments introduce several new definitions, including of the terms 'trade union' and 'employer's association'. The provisions of the draft Ordinance are broadly consistent with provisions already in place in this field in Jersey and the Isle of Man[14].

Prohibition of discrimination on the grounds of trade union membership or activity

5.20 The Prevention of Discrimination (Guernsey) Ordinance, 2022[15] (the "Main Discrimination Ordinance") governs anti-discrimination legislation in Guernsey (together with the Sex Discrimination (Guernsey) Ordinance, 2005, which is not relevant here). It provides protection from discrimination on several "protected grounds", which include attributes not everyone has (such as disability) and attributes that are universal (such as race). Most importantly for the purposes of this policy letter, discrimination on any of the protected grounds is prohibited in employment.

5.21 The CPTPP's Labour Chapter requires the "elimination of discrimination in respect of employment and occupation" and that workers be protected from acts of anti-union discrimination, i.e. that it should be unlawful for employers to treat their employees less favourably on the basis the employee is a member of a union or takes part in union activities. Similar obligations are also set out in ILO Convention 98, "Right to Organise and Collective Bargaining Convention, 1949"[16].

5.22 The Main Discrimination Ordinance does not currently protect people who are discriminated against because they are members of a trade union or who engage in union activities. Therefore, the draft Ordinance entitled "The Prevention of Discrimination (Guernsey) (Amendment) Ordinance, 2026" at Appendix C (the "Discrimination Amendment Ordinance") introduces "trade union membership or activity" as a new protected ground under the Main Discrimination Ordinance. This will mean that any discriminatory act (in broad terms, less favourable treatment) which an employer or prospective employer does to an employee or prospective employee because they are a member of a union, or take part in union activities, will be unlawful under the Main Discrimination Ordinance.

[14] One difference is that the £40,000 limit on damages that may be awarded against trade unions referred to in para 5.15 is greater than the £10,000 limit currently in place in the other two Crown Dependencies.

[15] The Prevention of Discrimination (Guernsey) Ordinance, 2022.

[16] ILO Convention 98, "Right to Organise and Collective Bargaining Convention, 1949".

5.23 In particular, under section 14 of the Main Discrimination Ordinance, an employer or prospective employer must not discriminate on any of the protected grounds – including, if the Discrimination Amendment Ordinance is approved, trade union membership or activity – in who they decide to offer employment to, as to the terms on which employment is offered, by denying access to any benefit such as promotion, by dismissing a person, or by subjecting a person to any other detriment. The Discrimination Amendment Ordinance amends this section to provide that making a person's employment subject to the condition that they do not join a trade union, or that they relinquish trade union membership, will also be unlawful discrimination.

5.24 Finally, the Discrimination Amendment Ordinance provides for a discretion for the Tribunal, if a finding of discrimination on the new protected ground is made, to reduce the amount of an award payable in circumstances where the employee had engaged in industrial action which does not comply with a code of practice approved by the Committee under the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993, as amended by the draft Amendment Ordinance at Appendix B.

6 Compliance with Rule 4

6.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

6.2 In accordance with Rule 4(1):

a) The propositions contribute to the States' objectives and policy plans by contributing toward two Areas of Focus of the Government Work Plan 2026-2029, namely maintaining a strong international position for Guernsey ('Island Resilience') and empowering the economy ('Foundations for our Future'). Participation in CPTPP is also included as a priority in the Committee *for* Economic Development's Work Plan.

b) In preparing the propositions, consultation has been undertaken with the Committee *for* Economic Development; St James' Chambers; the Director of International Relations and Constitutional Affairs; the Director of the Employment and Equal Opportunities Service; the Industrial Disputes Officer; the Chief Officer, Health and Safety Executive and Trading Standards Service; and States of Guernsey HR.

c) The propositions have been submitted to His Majesty's Procurer for advice on any legal or constitutional implications.

d) There are no financial implications to the States of carrying the proposal into effect.

6.3 In accordance with Rule 4(2):

a) The propositions relate to the Policy & Resources Committee's purpose and policy responsibilities relating to external relations and international and constitutional affairs, including executing and requesting the extension of international agreements, and the Committee *for* Employment & Social Security's purpose and policy responsibilities relating to labour market legislation and practices and industrial relations.

b) The propositions have the unanimous support of the Committees.

Yours faithfully

Policy & Resources Committee:

H L de Sausmarez
President

Y Burford
Vice President

A Niles
C N K Parkinson
S J Falla

Committee *for* Employment & Social Security:

T L Bury
President

J M Ozanne OBE
Vice President

G A St Pier
R J Le Brun
T M Rylatt

W P McHugh
Non-States Member

The Employment of Children

(Guernsey) Ordinance, 2026

ARRANGEMENT OF SECTIONS

1. No employment of children under 13 years of age.
2. Light work permitted for children of compulsory school age.
3. Prohibited and restricted work.
4. Restriction on hours of work.
5. Regulations regarding the employment of children.
6. Powers of entry.
7. Offences.
8. Interpretation.
9. Repeal.
10. Regulations.
11. Extent.
12. Citation.
13. Commencement.

The Employment of Children (Guernsey) Ordinance, 2026

THE STATES, in pursuance of their Resolution of the * December, 2026[a], and in exercise of the powers conferred on them by section 7 of the Health and Safety at Work etc. (Guernsey) Law, 1979[b], section 123 of the Children (Guernsey and Alderney) Law, 2008[c] and sections 1 and 2 of the International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018[d], and all other powers enabling them in that behalf, hereby order:-

No employment of children under 13 years of age.

1. A child under the age of 13 years may not be employed for any work.

Light work permitted for children of compulsory school age.

2. (1) A child who has reached the age of 13 years but is still of compulsory school age may not be employed for any work other than light work.

(2) In this section, "**light work**" means work that –

(a) is not likely to be harmful to the child's health or development, and

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a Article * of Billet d'État No. * of 2026.

b Ordres en Conseil Vol. XXVII, p. 155; this enactment has been amended.

c Order in Council No. XIV of 2009; this enactment has been amended.

d Order in Council No. II of 2019.

(b) does not prejudice the child's attendance at school, the child's participation in vocational orientation or training programmes, or the child's capacity to benefit from the instruction received.

(3) The Committee may issue guidance regarding the categories of work generally considered to be light work within the meaning of subsection (2).

Prohibited and restricted work.

3. A child may not be employed in any work that –

(a) jeopardises the child's health, safety or morals, unless –

(i) the work is performed by a child above the compulsory school age,

(ii) the work is of a type and nature authorised under the Regulations, and

(iii) the conditions for employment prescribed for such work in the Regulations are complied with,

(b) is of a type and nature designated as prohibited work under the Regulations, or

(c) is of a type and nature designated as restricted work under the Regulations, unless the conditions for employment prescribed for such work in the Regulations are complied with.

Restriction on hours of work.

4. A child may not be employed –

(a) on days prohibited under the Regulations,

(b) during hours of the day prohibited under the Regulations,

(c) for more hours in a specific time period than permitted under the Regulations, or

(d) in a manner that does not provide the hours of rest required under the Regulations.

Regulations regarding the employment of children.

5. The Committee may make Regulations –

(a) for the purpose of section 3 –

(i) authorising categories of work for children above the compulsory school age subject to conditions, and prescribing those conditions,

(ii) designating one or more categories of work as prohibited work for children of compulsory school age, children above the compulsory school age, or both, and

(iii) designating one or more categories of work as restricted work for children of compulsory school age, children above the compulsory school age, or both, and prescribing conditions for such work, and

(b) for the purpose of section 4, restricting hours or days of work and mandating required rest periods for

children of compulsory school age, children above the compulsory school age, or both.

Powers of entry.

6. (1) Subject to subsection (2), a person authorised by the Committee, or who is an officer of police, may enter and inspect any premises where the authorised person or officer has reason to believe a child may be employed in contravention of this Ordinance and make enquiries with respect to the employment.

(2) The power of entry must not be exercised unless, having regard to all the circumstances –

(a) the entry is necessary and proportionate for the purpose of investigating the suspected contravention of this Ordinance, and

(b) the information sought cannot reasonably be obtained by other means.

Offences.

7. (1) A person who employs a child in contravention of this Ordinance or the Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the uniform scale.

(2) In a proceeding for an offence under subsection (1), it is a defence for the accused to show that the accused took all reasonable steps and exercised due diligence to avoid committing the offence.

Interpretation.

8. (1) In this Ordinance, unless the context requires otherwise –

"**child**" means a person under the age of 18 years,

"**Committee**" means the Committee for Employment & Social Security,

"**compulsory school age**" means the compulsory school age as determined under section 16 of the Education (Guernsey) Law, 1970[e],

"**employment**" includes assistance in any trade or occupation that is carried on for profit, whether or not payment is received for this assistance,

"**light work**" - see section 2(2), and

"**Regulations**" means the Regulations made under this Ordinance.

Repeal.

9. The following enactments and provisions of enactments are repealed or revoked, as the case may be –

(a) Titre VI (emploi des enfants) and Article 51(4) and (5) of the Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes, (1917)[f],

(b) the Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants, (1926)[g],

(c) in the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989[h], in the Schedule –

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[e] Ordres en Conseil Vol. XXII, p. 318; this enactment has been amended.

[f] Ordres en Conseil Vol. V, p. 342; this enactment has been amended.

[g] Ordres en Conseil Vol. VIII, p. 29; this enactment has been amended.

[h] Ordres en Conseil Vol. XXXI, p. 278; this enactment has been amended.

(i) the items regarding Articles 49(1) and 49(3) of the Loi ayant rapport à la Protection des Enfants et de Jeunes Personnes, and

(ii) the items regarding the Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants,

(d) section 47 of the Education (Guernsey) Law, 1970, and

(e) in Schedule 4 to the Health and Safety at Work (General) (Guernsey) Ordinance, 1987[i] –

(i) the item regarding Part VI of the Law entitled "Loi ayant rapport à la Protection des Enfants et des Jeunes Personnes (1917)", and

(ii) the item regarding the Law entitled "Loi ayant rapport à l'Emploi de Femmes, de Jeunes Personnes et d'Enfants", registered on the 20th November, 1926.

Regulations.

10. Regulations under this Ordinance shall be laid before the States as soon as possible after being made and shall, if at that meeting or the next meeting the States resolve to amend them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

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[i] Recueil d'Ordonnances Tome XXIV, p. 162; this enactment has been amended.

Extent.

11. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

Citation.

12. This Ordinance may be cited as the Employment of Children (Guernsey) Ordinance, 2026.

Commencement.

13. This Ordinance comes into force on the day appointed for this purpose by regulations of the Committee for Employment & Social Security, and different dates may be appointed for different provisions and for different purposes.

The Industrial Disputes and Conditions of Employment (Guernsey) (Amendment) Ordinance, 2026

THE STATES, in pursuance of their Resolutions of * December, 2026[a], and in exercise of the powers conferred on them by sections 1(1) and 2 of the International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018[b], and all other powers enabling them in that behalf, hereby order:-

Amendment of the Industrial Disputes and Conditions of Employment Law.

1. (1) The Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993[c] ("**the 1993 Law**") is amended as follows.

(2) At the start of sections 3(1) and 3(2), insert "Subject to subsection (2A),", and after section 3(2) insert –

"(2A) Subsection (1) does not apply, and the Industrial Disputes Officer shall not refer a dispute to the Tribunal under subsection (2), in circumstances specified for that purpose in an approved code of practice under, and within the meaning of, Part IIA (trade unions and employers' associations).".

(3) In section 3(3)(c) at the end insert "and (subject to paragraph 23A of the Schedule) subsection (2A)".

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a Article * of Billet d'État No. * of 2026.

b Order in Council No. II of 2019.

c Ordres en Conseil Vol. XXXIV, p. 267; this enactment has been amended.

(4) After Part II, insert -

"PART IIA

TRADE UNIONS AND EMPLOYERS' ASSOCIATIONS

Exclusion of rules against restraint of trade.

14A. (1) For the avoidance of doubt, the purposes of a trade union or employers' association are not, by reason only that they are in restraint of trade, unlawful so as –

(a) to make any member of the trade union or association liable to criminal proceedings for conspiracy or for any other offence, or

(b) to make any agreement or trust void or voidable.

(2) For the avoidance of doubt, no rule of a trade union or employers' association is unlawful or unenforceable by reason only that it is in restraint of trade.

Employee's liability for breach of contract by industrial action.

14B. (1) An employee is not liable in damages to his or her employer for a breach of the employee's contract of employment consisting of–

(a) a cessation of work,

(b) a refusal to work, or

(c) a refusal to work in a manner lawfully required by his or her employer,

in contemplation or furtherance of an employment dispute.

(2) This section does not affect –

(a) any right or remedy of the employer, other than a remedy specified in subsection (1), or

(b) any other liability of the employee,

arising out of a breach of a contract of employment.

Immunities from liability in tort for industrial action.

14C. (1) An act done by a person in contemplation or furtherance of an employment dispute is not actionable in tort by reason only –

(a) that it induces another person to break a contract, interferes with the performance of a contract, or induces any other person to interfere with the performance of a contract,

(b) that it consists in threatening that a contract will be broken or that there will be interference with a contract (whether or not it is one to which the person is a party), or

(c) that it consists in threatening to induce another person to break a contract or to interfere with its performance.

(2) Subject to section 14D (limitations on immunities from liabilities in tort), an agreement or combination by two or more persons to do or procure the doing of any act in contemplation or furtherance of an employment dispute is not actionable in tort if the act is one that, if done without any such agreement or combination, would not be actionable in tort.

Limitations on immunities from liabilities in tort.

14D. (1) Section 14C does not prevent an act done –

(a) by a trade union or employers' association, or

(b) by an official of a trade union or association,

from being actionable in tort if at the time of the act the trade union or association is not recognised.

(2) Section 14C does not prevent an act done by a trade union from being actionable in tort if –

(a) an approved code of practice requires the holding of a ballot of members of the trade union before it does such an act, and

(b) a ballot in respect of the doing of the act has not been held in accordance with an approved code

of practice, or such a ballot has been so held and a majority of those balloted do not support the doing of the act.

(3) Section 14C does not prevent an act described in subsection (1) of that section from being actionable in tort if –

(a) an approved code of practice defines conduct that is or is not reasonable conduct when done in contemplation or furtherance of an employment dispute, and

(b) one of the facts relied on for the purpose of establishing liability is that the act of the trade union constitutes conduct that, as so defined, is not reasonable conduct.

Limitation of damages.

14E. (1) In any proceedings in tort brought against a recognised trade union, the amount which may be awarded against the trade union by way of damages in those proceedings shall not exceed £40,000.

(2) Subsection (1) does not apply –

(a) to any proceedings for negligence, nuisance or breach of duty, to the extent that the proceedings are in respect of personal injury to any person, or

(b) to any proceedings for breach of duty in connection with the ownership, occupation, possession, control or use of moveable or immoveable property.

(3) The Committee may by order amend subsection (1) to vary the amount specified therein.

(4) In this section, "**duty**" means a duty imposed by any enactment or other rule of law, and "**personal injury**" includes any disease or impairment of a person's physical or mental condition.

Approval of codes of practice.

14F. (1) The Committee may, subject to this section, by order approve any code of practice for the purposes of this Part.

(2) A code of practice approved by the Committee may in particular provide for any of the following matters, namely –

(a) the recognition of trade unions and employers' associations for the purposes of this Law by the Committee, including (but not limited to) –

(i) criteria for, and matters that may be taken into account by the Committee in respect of decisions regarding, recognition,

(ii) the application process for recognition,

(iii) the process by which a trade union or association may appeal against a decision not to recognise it,

(iv) conferring a power on the Committee to charge fees in respect of applications for recognition and any related applications, and

(v) conferring a power, or duty, on the Committee to publish on the States of Guernsey website lists of recognised trade unions and associations,

(b) the circumstances in which section 3(2A) applies,

(c) the manner in which ballots of members of trade unions may or shall be held to support the doing of acts by trade unions in contemplation or furtherance of employment disputes,

(d) conduct that is, or is not, reasonable conduct when done in contemplation or furtherance of employment disputes (and for the avoidance of doubt, an approved code of practice may specify circumstances in which it is unreasonable conduct for any trade union, any

specified trade union or any specified category of trade union to call for action), and

(e) for the purposes of providing whether conduct is or is not reasonable conduct when done in contemplation or furtherance of employment disputes, specifying one or more supplies of goods and services as "essential services" where in the opinion of the Committee disruption of those supplies is likely to deprive the community of the essentials of life, or to endanger the life, heath or personal safety of the whole or any part of the community.

(3) Before approving a code of practice, the Committee shall –

(a) publish it on the States of Guernsey website, and such publication shall state that anyone may make representations in writing to the Committee in respect of the code within the period of 28 days next following the publication, and

(b) consult –

(i) the Industrial Disputes Officer,

(ii) the Employment and Equal Opportunities Service,

(iii) the Policy & Resources Committee, in respect of international agreements and international obligations that relate to employment relations and are binding on Guernsey, and

(iv) such other persons as the Committee considers will be affected, or representatives of such persons.

(4) The Committee shall not proceed to decide whether or not to approve the code of practice until the time limit under subsection (3)(a) for making representations has elapsed, and in deciding whether or not to approve the code of practice, the Committee shall consider all representations made under this section in respect of the proposal (including, for the avoidance of doubt, those made during the consultations undertaken under subsection 3(b)).

Failure to comply with an approved code of practice.

14G. (1) Subject to section 14D (limitations on immunities from liabilities in tort), a failure on the part of any person, trade union or employers' association to observe any provision of an approved code of practice issued under this Law does not of itself render that person, trade union or association, or any member of the trade union or association, liable to any proceedings.

(2) In any proceedings before a court or before the Tribunal, an approved code of practice is admissible in evidence, and (for the avoidance of doubt) if it appears to the court or the Tribunal that any provision in an approved code of practice is relevant to any question arising in the proceedings, the court or the Tribunal shall take that provision into account in determining the question.

Meaning of "employment dispute" and related terms.

14H. (1) In this Part, an "**employment dispute**" means an individual employment dispute or a collective employment dispute.

(2) For the purposes of subsection (1), an "**individual employment dispute**" means any dispute or difference between an employer and an employee, or between an employee and employees, connected with the employment or non-employment, or the conditions of employment, of any person.

(3) For the purposes of subsection (1), and subject to the provisions of this section, a "**collective employment dispute**" is a dispute between one or more employers and one or more employees, where –

(a) the employee or employees concerned is or are represented by a trade union,

(b) a collective agreement exists between the employer or employers and the trade union, and

(c) the dispute relates wholly or mainly to one or more of the matters described in subsection (4),

and for these purposes a "**collective agreement**" means an agreement that has been settled by negotiation, mediation, conciliation or arbitration to which the parties are –

(i) an employer, or an organisation of employers that is representative of a substantial proportion of the employers engaged in the trade or industry concerned, and

(ii) employees who are representative of a substantial proportion of the employees engaged in the trade or industry concerned.

(4) The matters referred to in subsection (3)(c) are –

(a) the terms of employment of one or more employees,

(b) the conditions in which one or more employees are required to work,

(c) the engagement or non-engagement of one or more persons as employees, or the termination or suspension of employment of one or more employees,

(d) the termination or suspension of the duties of employment of one or more employees,

(e) the allocation of work or other duties of employment as between employees or as between groups of employees,

(f) matters of discipline or grievance,

(g) the membership or non-membership of a trade union on the part of one or more employees,

(h) facilities for officials of trade unions, and

(i) an issue as to whether or not an approved code of practice is being observed by one or more employers or by one or more employees.

(5) For the purposes of this section, it is immaterial that a dispute relates to matters occurring outside Guernsey if a person or persons whose actions in Guernsey are claimed to be in contemplation or in furtherance of the dispute is or are likely to be affected in respect of any matter specified in subsection (4) by the outcome of the dispute.

(6) A dispute to which a trade union is a party shall be treated for the purposes of this Law as a dispute to which employees are parties, and a dispute to which an employers' association is a party shall be treated for the purposes of this Law as a dispute to which employers are parties.

(7) The States may amend this section by Ordinance for the purposes of amending one or more of the definitions set out herein.".

(5) In section 18(1), in the appropriate alphabetical order insert -

""**recognised**" means recognised by the Committee for the purposes of this Law in accordance with any relevant provisions of an approved code of practice,".

(6) At the end of section 18, insert –

"(3) For the avoidance of doubt, the rights, powers and duties of trade unions and employers' associations, and the other provisions of Part IIA, are (subject to section 3(2A) and paragraph 23A of the Schedule) without prejudice to –

(a) the functions of the Industrial Disputes Officer, the Deputy Industrial Disputes Officer and the Tribunal (and of the Committee in respect of codes of practice), and

(b) the other provisions of this Law,

and this Law shall be construed accordingly."

(7) After section 18, insert -

"**Meaning of "trade union".**

18A. (1) For the purposes of this Law, an organisation is a trade union if –

(a) it consists wholly or mainly of employees of one or more descriptions, and

(b) its principal purposes include the regulation of relations between employees of that description or of those descriptions and employers or employers' associations.

(2) For the purposes of this Law, an organisation is also a trade union if it consists wholly or mainly of –

(a) constituent or affiliated organisations that fulfil the conditions in subsection (1), or that themselves consist wholly or mainly of constituent or affiliated organisations that fulfil those conditions, or

(b) representatives of any such constituent or affiliated organisations, and its principal purposes include the regulation of relations between employees and employers or between employees and employers' associations, or the regulation of relations between its constituent or affiliated organisations.

(3) An organisation described in subsection (1) or (2) may

be temporary or permanent.

Meaning of "employers' association".

18B. (1) For the purposes of this Law, an organisation is an employers' association if –

(a) it consists wholly or mainly of employers or owners of undertakings of one or more descriptions, and

(b) its principal purposes include the regulation of relations between employers of that description or of those descriptions and employees or trade unions.

(2) For the purposes of this Law, an organisation is also an employers' association if it consists wholly or mainly of –

(a) constituent or affiliated organisations that fulfil the conditions in subsection (1), or that themselves consist wholly or mainly of constituent or affiliated organisations that fulfil those conditions, or

(b) representatives of any such constituent or affiliated organisations, and its principal purposes include the regulation of relations between employers and employees or between employers and trade unions, or the regulation

of relations between its constituent or affiliated organisations.

(3) An organisation described in subsection (1) or (2) may be temporary or permanent.

(4) References in this Law to employers' associations include combinations of employers and employers' associations.".

(8) At the end of subparagraph (f) of paragraph 17 of the Schedule, insert "(including, but not limited to, any matters of procedure arising from the application of paragraph 23A to an industrial dispute)".

(9) After paragraph 23 of the Schedule, insert –

"**23A**. The Tribunal shall not hear, investigate or determine an industrial dispute referred to it if the Tribunal decides that section 3(2A) applies in respect of that dispute.".

Citation.

2. This Ordinance may be cited as the Industrial Disputes and Conditions of Employment (Guernsey) (Amendment) Ordinance, 2026.

Commencement.

3. (1) This Ordinance shall come into force on the day appointed for this purpose by regulations of the Committee for Employment & Social Security, and different dates may be appointed for different provisions and for different purposes.

(2) Regulations under subsection (1) shall be laid before the States

as soon as possible after being made.

The Prevention of Discrimination (Guernsey) (Amendment) Ordinance, 2026

THE STATES, in pursuance of their Resolution of * December, 2026[a], and in exercise of the powers conferred on them by section 1 of the International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018[b] and all other powers enabling them in that behalf, hereby order:-

Amendment of Ordinance.

1. (1) The Prevention of Discrimination (Guernsey) Ordinance, 2022[c] is amended as follows.

(2) After section 5, insert the following section -

"**Trade unions.**

5A. (1) Trade union membership or activity is a protected ground.

(2) A person ("**A**") has the protected ground of trade union membership or activity if A -

(a) is a member of a trade union,

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a Article * of Billet d'État No. * of 2026.

b Order in Council No. II of 2019.

c Ordinance No. XVIII of 2022; this enactment has been amended.

(b) takes part in the activities of a trade union,

(c) refuses to become or remain a member of a trade union, or

(d) proposes to do or become any of the above."

(3) In section 72, in the appropriate place, insert –

""**trade union**" has the meaning given in the Employment Protection (Guernsey) Law, 1998 (and for the purposes of that definition, "**employer's association**" has the meaning given in that Law and "**employee**" has the meaning given in this Ordinance),".

Extent.

2. This Ordinance has effect in the Islands of Guernsey, Herm and Jethou.

Citation.

3. This Ordinance may be cited as the Prevention of Discrimination (Guernsey) (Amendment) Ordinance, 2026.

Commencement.

4. (1) This Ordinance shall come into force on the day appointed for this purpose by regulations of the Committee for Employment & Social Security, and different dates may be appointed for different provisions and for different purposes.

(2) Regulations under subsection (1) shall be laid before the States as soon as possible after being made.